

REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments and the following remarks and that all of the claims remaining in this application be allowed.

Double Patenting

Claims 38-55 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-20 of U.S. Patent 6,454,738.

In order to expedite allowance of this application, a Terminal Disclaimer is attached. Applicants do not acquiesce to the rejection but instead file the Terminal Disclaimer in order to expedite the allowance. Applicants submit that present rejection is moot.

CONCLUSION

In view of the above, Applicants submit that this application is now in condition for allowance. A notice to that effect is earnestly solicited.

If it is determined that a telephone conversation would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872, docket number 355492-2554. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872, docket number 355492-2554. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872, docket number 355492-2554.

Respectfully submitted,

Date June 30, 2004

By Lorna Tanner

FOLEY & LARDNER LLP
Customer Number: 38706
Telephone: (650) 856-3704
Facsimile: (650) 856-3710

Lorna L. Tanner
Attorney for Applicant
Registration No. 50,782